

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1-5 are rejected under 35 U.S.C. 102 over the patent Meroni.

Claims 6-8 are rejected under 35 U.S.C. 103(a) over the patent to Meroni in view of the patent to Dong.

Also, the specification and the claims were objected and rejected for formal reasons.

In connection with the Examiner's formal objections and rejections, applicants have amended the specification and the claims in compliance with the Examiner's requirements.

It is believed that the grounds for the formal objections and rejections are therefore eliminated.

Turning now to the Examiner's grounds to the rejection of the claims over the art, it is respectfully submitted that in applicant's opinion the present invention is not disclosed in the references and can not be derived from them as a matter of obviousness. The present invention deals with a floor covering which is based on a perforated polyvinyl chloride sheet, wherein a surface material is attached to perforated high density polyvinyl chloride sheets having multiple holes.

Turning now to the references and particularly to the patent to Meroni, it is respectfully submitted that a floor covering article disclosed in Meroni's invention comprises one textile covering material 2 attached to an upper side of a base element 1. In this regard, a lattice work 4 including a rim member 3, and first and second latticed bars 5 and 6 is used as the base element 1, and has a thickness corresponding to a height of the rim member 3. Additionally, the lattice work 4 has a tetragonal mesh structure.

However, a perforated PVC sheet of a floor covering according to the present invention is characterized in that the perforated PVC sheet has a plurality of small holes perforated therethrough.

It is therefore believed to be clear that the perforated polyvinyl chloride sheet of the present invention is different from the base element 1 of the invention disclosed in the patent to Meroni.

Furthermore, the floor covering of the present invention removes shrinkage and expansion differences between the perforated high density PVC sheet and a surface material because the holes 1a of the PVC sheet offset shrinkage or expansion of the PVC sheet owing to temperature changes, thereby the floor covering of the present invention can be used for long periods under various temperatures without cracks, bubbling, and curling of the surface of the floor covering when the floor covering is applied to a floor (floors of Korean houses are usually heated using pipes containing hot water passing therethrough in winter).

However, nowhere is it mentioned that the holes formed on the PVC sheet of the floor covering and the above advantages caused by the holes in the Meroni's invention. In consequence, the present invention is quite different from the Meroni's invention.

It is therefore believed to be clear that the floor covering of the present invention as defined in claim 1, clearly and patentably distinguishes

from the floor covering disclosed in the patent to Meroni. The patent to Meroni does not disclose a floor covering with the features which are now defined in claim 1. In order to arrive at the applicant's invention from the teaching of the patent to Meroni, this reference has to be fundamentally modified. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has also been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggestion; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Definitely, the reference does not contain any hint or suggestion for such modifications.

As explained herein above, the present invention provides for the highly advantageous results which can not be accomplished by the floor covering disclosed in the patent to Meroni. It is well known that in order to support a valid rejection the art must also suggest that it would accomplish

applicant's results. This was stated by the Patent Office Board of Appeals, in the case *Ex parte Tanaka, Marushima and Takahashi* (174 USPQ 38), as follows:

Claims are not rejected on the ground that it would be obvious to one of ordinary skill in the art to rewire prior art devices in order to accomplish applicants' result, since there is no suggestion in prior art that such a result could be accomplished by so modifying prior art devices.

In view of the above presented remarks and amendments, it is believed that claim 1, the broadest claim on file, should be considered as patentably distinguishing the present invention from the patent to Meroni and should be allowed.

The patent to Dong applied by the Examiner against some dependent claims in combination with the patent to Meroni discloses glass mats and a method of producing the glass mats, but does not suggest any concrete description of the floor covering.

Moreover, claims 6 to 8 of the present invention are dependent claims referring to an independent claim 1, and the floor covering of the present invention cannot be easily invented from the floor covering of the Meroni's invention, as described above.

Therefore, the floor covering whose one or both sides are attached to glass fiber sheets according to the present invention is not obvious in view of the two cited inventions (Meomi's invention and Dong's invention) even though the glass mats of the Dong's invention were already known in the art when the floor covering according to the present invention was invented.

It is therefore believed that claims 6-8 should be considered as patentably distinguishing over the art not only because they depend on the presumably allowable claim 1 but also because it contains a patentable subject matter per se.

It is therefore respectfully requested to allow the present application with all the claims currently on file.

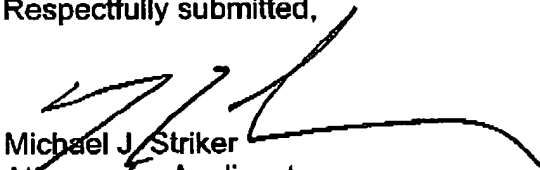
Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance,

then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

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